IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

LA.App..No. 744 of 2005()

LAR.12/2002 of SUB COURT, PAYYANNUR
.....

APPELLANT: RESPONDENT

THE STATE OF KERALA.

BY GOVERNMENT PLEADER SRI.K.V.MANOJ

RESPONDENTS: CLAIMANT
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1. PALLIKKARA JANAKI,
C/O.A.K.KRISHNAN (LATE),
W/O.KRISHNAN ALINKEEL, KAIMURIYAN, MANGAD.

2. A.K.SUMATHI, ALINKEEL, KAIMARIYAN,
MANGAD, P.O. KALLIASSERI.

3. A.K.RAVINDRAN, ALINKEEL, KAIMARIYAN,
MANGAD, P.O.,KALLIASSERI.

4. A.K.BHARATHI, ALINKEEL, KAIMARIYAN,
MANGAD, P.O.KALLIASSERI.

5. A.K.RANENDRAN, ALINKEEL,
KAIMARIYAN, MANGAD, P.O. KALLIASSERI.

6. A.K.BINDU, ALINKEEL, KAIMARIAYAN,
MANGAD, P.O.KALLIASSERI.

7. A.K.GEETHA, ALINKEEL, KAIMARIYAN,
MANGAD, P.O.KALLIASSERI.

8. THE PROJECT OFFICER, OECF, KWA,
MALAPARAMBA, KOZHIKODE-9

BY ADV. SRI.B.PREMNATH (E)

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 06/11/2007, ALONG WITH LAA NO.991 OF 2005 LAA NO.125 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.Nos.744, 991/2005
and 125 of 2006

Dated this the 6th day of November, 2007

JUDGMENT

Harun-Ul-Rashid,J.

The above appeals arise from the decree and common judgment passed in L.A.R.Nos.12/2002, 347/2001 and 2/2002 respectively on the file of the Sub Court, Payyannur. The extent of land acquired in L.A.R.No.12/2002 is 0.0054 hectares, in L.A.R.No.347/2001 0.0139 hectares and in L.A.R.No.2/2002 0.0112 hectares. The extent in cents is 1.33, 3.433 and 2.76 respectively. The section 4(1) notification in these cases was published on 30-8-1998. All the properties covered by these L.A.R. cases were acquired for Pattuvam Water Supply Scheme.

2. In support of the claim for compensation the claimants examined AW1 to AW5. Exts.X1 to X3 sale deeds were also marked. The Commission report was marked as Ext.C1. On the respondents' side nobody was examined to support their case that the land value fixed by the Land Acquisition Officer is fair and reasonable. No documents were produced and no objection

was also filed to Ext.C1 Commissioner's report.

3. The court below examined the Commissioner's report and Exts.X1 to X3 sale deeds. The properties covered by Exts.X1 to X3 are lying adjacent and as a compact plot. The Commissioner reported that the acquired land and the lands covered by Exts.X1 to X3 are similar and similarly situated. The respondents did not adduce any contra evidence. The respondents have not chosen to file any objection to the Commissioner's report nor the official was examined or the basic document was produced. The court below on a comparison of the acquired land with Exts.X1 to X3 lands, found that the properties are similar and similarly situated and held that no contra evidence is available in these cases. The court also noticed the fact that prior to the execution of Ext.X1 document in 1996 the land value in that area was around Rs.40,000/- per cent.

4. The learned Government Pleader contended before us that fixation of land value at the rate of Rs.9823/- per Are fixed

by the Land Acquisition Officer is highly excessive and therefore liable to be adjudged as illegal. We have already noticed and stated in the preceding paragraphs that the contention is not supported by any evidence or basis. In such circumstances we find no reason to interfere with the fixation of market value by the court below.

In the result the appeals fail and are dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.Nos.744, 991/2005
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JUDGMENT

6th November, 2007